REMARKS/ARGUMENTS

Status of the Application

Claims 1 through 18 are pending in the present application. Claim 18 stands objected to for alleged informalities. Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly not being enabling. Claims 2, 16, and 17 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1 through 6, 9 through 12 and 18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,279,151 (Breslau et al.). Claims 13 through 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Breslau.

Objection To The Specification

The Office Action objects to the disclosure "because it contains an embedded hyperlink and/or other form of browser-executable code." Applicant's undersigned representative respectfully traverses the objection. The title of the application is "Method and Apparatus For Facilitating Execution of Applications Accepting Local Path and URL Specified File Parameters." Applicant's undersigned representative respectfully requests that the Examiner clarify how a patent application directed at least in part to accepting URL specified file parameters can be disclosed without identifying URLs in the patent specification. It is further noted that Breslau et al., the reference relied upon to reject the pending claims, at column 5, lines 45-46 contains a URL. In view of this, Applicant's undersigned respectfully requests withdrawal of the objection. Applicant's undersigned representative further requests if the objection is maintained, that the Examiner quote the specific language in MPEP § 608.1 that allegedly precludes the objected to language.

Objection to Claim 18

Applicant's undersigned representative proposes amending claim 18 to correct the objected-to language. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Office Action objects to claims 7,8, 16, and 17 under 35 U.S.C. § 112, first

paragraph as allegedly failing to comply with the enablement requirement. In particular, the

Office Action alleges that the "disclosure as a whole relates to the process of compiling source

code using remotely defined source code library files." The Office Action further alleges that

"[w]hile the disclosure is sufficient to teach how one of ordinary skill in the art would implement

a compiler to perform the steps relating to remote source code inclusion, there is insufficient

support in the disclosure for implementing the word processor as stated in claims 7 and 16, or for

implementing financial tracking software as stated in claims 8 and 17." (Office Action,

paragraph 5). Applicant's undersigned representative respectfully disagrees with the

characterization of the disclosure and traverses the rejection under 35 U.S.C. § 112, First

Paragraph.

The specification discloses systems and methods that accept both local directory path

specified, and URL specified file parameters. The specification discloses such systems

generally, although it notes potential embodiments include a compiler (p. 13), a word processor

embodiment (p.16-17), and a financial application (p.17). Furthermore, the application

specification indicates that "because the applicability of the present invention to a wide variety of

a wide variety of applications . . . the functionality described . . . is incorporated in software or

API's ensuring wide availability of the features of the present invention to many software

developers." (p.17).

Applicant's undersigned representative respectfully submits that one skilled in the art of

programming would know how to implement the claimed inventions. Indeed, a compiler is a

type of program, as are word processors and financial applications. Thus, one skilled in the art

of programming would know how to implement the claimed systems and methods in any type of

computer program including compilers, word processors, and financial applications.

Accordingly, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 2, 16, and 17 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant's undersigned representative respectfully submits that any ambiguities in claims 2, 16, and 17 have been remedied by the above recited claim amendments to these claims. Withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. § 102(e) and 103

Claims 1 through 6, 9 through 12 and 18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,279,151 (Breslau et al.). Claims 13 through 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Breslau. Applicant's undersigned representative respectfully requests reconsideration in view of the above amendments and the following remarks.

The application discloses that the information that is transmitted to a remote server may include an identifier of executable code and parameters that can be passed with and executed by the executable code at the remote server. (p. 15). Claims 1, 6, 9, 12, and 18 have been amended to recite systems and methods adapted for such. Applicant's undersigned attorney respectfully submits that Breslau et al. do not teach or even suggest such limitations, and cannot possibly suggest the claimed combination.

Breslau et al. purport to disclose a method and apparatus for operating a compiler to process include statements resident at non-connected network locations. (Abstract). When an include option specifies an include file resident at a non-connected network, the compiler establishes a connection with the network and obtains the file. (Abstract). Thus, Breslau et al. teach a system wherein an include file is identified and downloaded from a remote source. Notably, however, Breslau et al. do not disclose and do not suggest the possibility that an application may receive and pass to a remote server an identifier identifying executable code and parameters that can be executed by the executable code at the remote server.
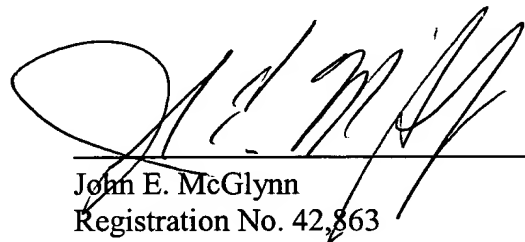
Therefore, because Breslau et al. do not teach or even suggest an application that passes an identifier of executable code and parameters for the code in order to identify information to be retrieved from a remote server, Bresleau et al. does not anticipate nor render obvious the independent claims. The dependent claims are novel and non-obvious at least for these same reasons. Accordingly, withdrawal of the claims is respectfully requested.

CONCLUSION

·Applicant's undersigned attorney respectfully submits that the pending claims are in condition for allowance. Reconsideration of the present Office Action issued on February 6, 2004 and a Notice of Allowance are respectfully requested.

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